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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,404	03/12/2004	Toshihiko Fukasawa	1232-4473US1	5974

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EXAMINER	
TRUONG, LAN DAI T	
ART UNIT	PAPER NUMBER
2452	

NOTIFICATION DATE	DELIVERY MODE
04/02/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptopatentcommunication@lockelord.com

Office Action Summary	Application No.	Applicant(s)	
	10/798,404	FUKASAWA ET AL.	
	Examiner	Art Unit	
	LAN-DAI Thi TRUONG	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 February 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23-25, 27-30, 32-35 and 37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/17/2009 has been entered.

2. This action is response to communications: application, filed on 03/12/2004; amendments filed on 02/17/2009. Claims 23-25, 27-30, 32-35 and 37 are pending; claims 1-22, 26 and 31 and are canceled; claims 23, 28 are amended.

3. The applicant's arguments filed on 08/02/2007 have fully considered but they are moot in view with new ground for rejections.

Claim rejections-35 USC § 112, first paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 23-25 and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Regarding claim 23:

The claim(s) contains subject matter (i.e. **requesting the server to send the new video data in case that the deliver device receives the second request from the second client after the determined period**) those were not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The information were pointed out by applicant (figure 9, step 910, and specification page 20, lines 21-24) but do not support for the claim subject matter (i.e. **requesting the server to send the new video data in case that the deliver device receives the second request from the second client after the determined period**). Without disclosures the uses of **requesting the server to send the new video data in case that the deliver device receives the second request from the second client after the determined period** from the specification; how would one of ordinary skill in the art determine limitation of "*to deliver new video stream data of the live video stream data to the second client by requesting the server to send the new video data in case that the deliver device receives the second request from the second client after the predetermined perio*d". Appropriate correction is requested.

Regarding claims 24-25 and 27:

Those claims are rejected under rationales of claim 23.

Claim rejections-35 USC § 112, second paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23-25, 27-30, 32-35 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 23:

The claim contains negative limitation (i.e. in case that **the connection has not been established** with the server when a request is received from a client, **not to make another connection** with the server in case that the connection has been established with the server). The negative limitation renders the claim indefinite because it was an attempt to claim the invention by excluding what the inventors did not invent rather than distinctly and particularly pointing out what they did invent. See MPEP 2173.05(i)

Regarding claims 24-25, 27-30, 32-35 and 37:

Those claims are rejected under rationales of claim 23.

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 23-24, 27-29, 32-34 and 37 are rejected under 35 U.S.C 103(a) as being un-patentable over Nam et al. (U.S. 6,138,163) in view of Brady et al. (U.S. 5,808,607) in view of Irons (U.S. 6272587) and further in view of Mosberger et al. (U.S. 6,438,597).

Regarding claim 1:

Nam discloses the invention substantially as claimed, including a relay apparatus for delivering live video stream data from a server having an image sensing device to clients via a network, comprising:

a connection management device adapted to make a connection with the server having the image sensing device via the network in case that the connection has not been established with the server when a request is received from a client, and to get the live video stream data: (Nam discloses a HTTP mediate server that implements functions of controlling communications between network client browsers and video servers. The HTTP mediate server is capable to establish connections between the network client browsers and the video servers so that the network client browsers will receive real-time video data streams from the video server after sending a service request to the video server: abstract; figure 1; figure 3; column 3, lines 27-41; column 4, lines 7-67).

memory control device adapted to store the live video stream data from the server having the image sensing device, in a buffer memory: (the HTTP relay server includes a stream controller or cache those are used to store the video data streams transmitted from the video servers: Nam, column 3, lines 27-41, lines 62-67; column 4, lines 1-7).

a deliver device adapted to deliver the video data stored in the buffer: (stream controller is adapted to deliver received data from the video server to the network client browser for displaying: Nam, column 3, lines 62-67; column 4, lines 1-7; column 4, lines 15-26).

However, Nam does not explicitly disclose determine whether receives a second request from a second client within a predetermined period after the deliver device receives a first request from a first client, to deliver the same video data of the live video stream data stored in the buffer to the first and second clients in case that the deliver device receives the second request from the second client within the predetermined period.

In analogous art, Brady discloses method of determining if requests from a first requesting viewing terminal and a second requesting viewing terminal are received within a time period then an audiovisual presentation is provided to both the terminals from a single buffer for viewing, see (Brady, abstract, lines 12-26).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Brady's ideas of receiving same audiovisual presentation from the same buffer if the requests are received within a same time period into Nam's system in order to increase efficiencies for data distribution system (e.g. reduce bandwidth and memory utilization, and providing services simultaneously for large numbers of subscribers), see (Brady: column 1, lines 45-67).

However, Nam-Brady does not explicitly disclose delivering new video stream data of the live video stream data to the second client by requesting the server to send the new video data in case that the deliver device receives the second request from the second client after the predetermined period.

In analogous art, Irons discloses each time a new access is attempted to after a predefined time period has elapsed since such an access has been attempted, content in a flash memory is updated, see (Irons, abstract).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Irons's ideas of updating new content into flash memory after predefined time period into Nam-Brady's system in order to provide an efficient communication system (e.g. proving up-to-date information), see (Irons, column 3, lines 40-54).

However, Nam-Brady-Irons does not explicitly disclose not to make another connection with the server in case that the connection has been established with the server when the request is received from the client.

In analogous art, Mosberger discloses method of reuse currently established connection for subsequent accesses, see (column 1, lines 37-67).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Mosberger's ideas of reuse currently established connection for subsequent accesses into Nam-Brady-Irons's system in order to save network resources and to reduce traffic congestion, see (Mosberger, column 1, lines 55-67).

Regarding claim 28:

Nam discloses the invention substantially as claimed, including a relaying method to deliver live video stream data from a server having an image sensing device to clients via the network, comprising the steps of:

making a connection between a relay apparatus and the server having the image sensing device via the network in case that the connection has not been established with the server when a request is received from a client: (Nam discloses a HTTP mediate server that implements functions of controlling communications between network client browsers and video servers. The HTTP mediate server is capable to establish connections between the network client browsers and the video servers so that the network client browsers will receive real-time video data streams from the video server after sending a service request to the video server: abstract; figure 1; figure 3; column 3, lines 27-41; column 4, lines 7-67).

getting the live video stream data from the server having the image sensing device and storing the live video stream data in a buffer memory: (the HTTP relay server includes a stream controller or cache those are used to store the video data streams transmitted from the video servers: Nam, column 3, lines 27-41, lines 62-67; column 4, lines 1-7).

However, Nam does not explicitly disclose determining whether a second request from a second client is received within a predetermined period after a first request from a first client is received, delivering the same video data of the live video stream data stored in the buffer memory to the first client and the second client via the network, in case that the second request from the second client is received within the predetermined period.

In analogous art, Brady discloses method of determining if requests from a first requesting viewing terminal and a second requesting viewing terminal are received within a time period then an audiovisual presentation is provided to both the terminals from a single buffer for viewing, see (Brady, abstract, lines 12-26).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Brady's ideas of receiving same audiovisual presentation from the same buffer if the requests are received within a same time period into Nam's system in order to increase efficiencies for data distribution system (e.g. reduce bandwidth and memory utilization, and providing services simultaneously for large numbers of subscribers), see (Brady: column 1, lines 45-67).

However, Nam-Brady does not explicitly disclose requesting to send new data, in case that the second request from the second client is received after exceeds the predetermined period, and delivering the new data to the second client.

In analogous art, Irons discloses each time a new access is attempted to after a predefined time period has elapsed since such an access has been attempted, content in a flash memory is updated, see (Irons, abstract).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Irons's ideas of updating new content into flash memory after predefined time period into Nam-Brady's system in order to provide an efficient communication system (e.g. proving up-to-date information), see (Irons, column 3, lines 40-54).

However, Nam-Brady-Irons does not explicitly disclose not to make another connection with the server in case that the connection has been established with the server when the request is received from the client.

In analogous art, Mosberger discloses method of reuse currently established connection for subsequent accesses, see (column 1, lines 37-67).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Mosberger's ideas of reuse currently established connection for subsequent accesses into Nam-Brady-Irons's system in order to save network resources and to reduce traffic congestion, see (Mosberger, column 1, lines 55-67).

Regarding claim 33:

Nam discloses the invention substantially as claimed, including a storage medium to store computer program to execute a relaying method to deliver live video stream data from a server having an image sensing device to clients via a network, the computer program comprising the codes of:

making a connection between a relay apparatus and the server having the image sensing device via the network in case that the connection has not been established with the server when a request is received from a client: (Nam discloses a HTTP mediate server that implements functions of controlling communications between network client browsers and video servers. The HTTP mediate server is capable to establish connections between the network client browsers and the video servers so that the network client browsers will receive real-time video data streams from the video server after sending a service request to the video server: abstract; figure 1; figure 3; column 3, lines 27-41; column 4, lines 7-67).

getting the live video stream data from the server having the image sensing device and storing the live video stream data in a buffer memory: (the HTTP relay server includes a stream controller or cache those are used to store the video data streams transmitted from the video servers: Nam, column 3, lines 27-41, lines 62-67; column 4, lines 1-7).

However, Nam does not explicitly disclose determining whether a second request from a second client is received within a predetermined period after a first request from a first client is received, delivering the same video data of the live video stream data stored in the buffer memory to the first client and the second client via the network, in case that the second request from the second client is received within the predetermined period.

In analogous art, Brady discloses method of determining if requests from a first requesting viewing terminal and a second requesting viewing terminal are received within a time period then an audiovisual presentation is provided to both the terminals from a single buffer for viewing, see (Brady, abstract, lines 12-26).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Brady's ideas of receiving same audiovisual presentation from the same buffer if the requests are received within a same time period into Nam's system in order to increase efficiencies for data distribution system (e.g. reduce bandwidth and memory utilization, and providing services simultaneously for large numbers of subscribers), see (Brady: column 1, lines 45-67).

However, Nam-Brady does not explicitly disclose requesting to send new data, in case that the second request from the second client is received after exceeds the predetermined period, and delivering the new data to the second client.

In analogous art, Irons discloses each time a new access is attempted to after a predefined time period has elapsed since such an access has been attempted, content in a flash memory is updated, see (Irons, abstract).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Irons's ideas of updating new content into flash memory after predefined time period into Nam-Brady's system in order to provide an efficient communication system (e.g. proving up-to-date information), see (Irons, column 3, lines 40-54).

However, Nam-Brady-Irons does not explicitly disclose not to make another connection with the server in case that the connection has been established with the server when the request is received from the client.

In analogous art, Mosberger discloses method of reuse currently established connection for subsequent accesses, see (column 1, lines 37-67).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Mosberger's ideas of reuse currently established connection for subsequent accesses into Nam-Brady-Irons's system in order to save network resources and to reduce traffic congestion, see (Mosberger, column 1, lines 55-67).

Regarding claim 24:

In addition to rejection in claim 23, Nam-Brady-Irons-Mosberger further discloses protocol between the relay apparatus and clients is HTTP: (Nam discloses the relay server also supports HTTP: column 3, lines 27-40).

Regarding claims 29 and 34

Those claims are rejected under rationale of claim 24.

Regarding claim 27:

In addition to rejection in claim 23, Nam-Brady-Irons-Mosberger further discloses wherein the predetermined period is a period between the point where the deliver device receives a request from one of the fist and second clients and the point where the deliver device receives a next request from the other of the first and second clients: (Brady, column 1, lines 45-67).

Regarding claims 32 and 37:

Those claims are rejected under rationale of claim 27.

Claims 25, 30 and 35 are rejected under 35 U.S.C 103(a) as being un-patentable over Nam-Brady-Irons-Mosberger in view of Segur (U.S. 6,212,550).

Regarding claim 25:

Nam-Brady-Irons-Mosberger discloses the invention substantially as disclosed in claim 23, but does not explicitly teach converting video data stream.

In analogous art, Segur discloses method for converting video data stream into another format compatible for communications: (Segur, abstract; figure 1).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Segur's ideas of converting data from one format into another format into Nam-Brady-Irons-Mosberger's system in order to provide a convenient communication system for Internet users such as ability of sharing relevant information via using different communication platforms, see (Segur: column 3, lines 66-67; column 4, lines 1-9).

Regarding claims 30 and 35:

Those claims are rejected under rationale of claim 25.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAN-DAI Thi TRUONG whose telephone number is (571)272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ldt.
03/27/2009.

/Kenny S Lin/
Primary Examiner, Art Unit 2452